

By: Jackson

H.B. No. 141

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the determination of resident status of students by  
3 public institutions of higher education.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 54.052, Education Code, is amended to  
6 read as follows:

7 Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a)  
8 Subject to the other applicable provisions of this subchapter  
9 governing the determination of resident status, the following  
10 persons are considered residents of this state for purposes of this  
11 title:

12 (1) a person who:

13 (A) established a domicile in this state not  
14 later than one year before the census date of the academic term in  
15 which the person is enrolled in an institution of higher education;  
16 and

17 (B) maintained that domicile continuously for  
18 the year preceding that census date; and

19 (2) a dependent whose parent:

20 (A) established a domicile in this state not  
21 later than one year before the census date of the academic term in  
22 which the dependent is enrolled in an institution of higher  
23 education; and

24 (B) maintained that domicile continuously for

1 the year preceding that census date [~~;~~ and

2 [~~(3) a person who:~~

3 [~~(A) graduated from a public or private high~~  
4 ~~school in this state or received the equivalent of a high school~~  
5 ~~diploma in this state; and~~

6 [~~(B) maintained a residence continuously in this~~  
7 ~~state for:~~

8 [~~(i) the three years preceding the date of~~  
9 ~~graduation or receipt of the diploma equivalent, as applicable; and~~

10 [~~(ii) the year preceding the census date of~~  
11 ~~the academic term in which the person is enrolled in an institution~~  
12 ~~of higher education].~~

13 (b) For purposes of this section, the domicile of a  
14 dependent's parent is presumed to be the domicile of the dependent  
15 [~~unless the person establishes eligibility for resident status~~  
16 ~~under Subsection (a)(3)].~~

17 (c) A person who is not lawfully authorized to be present in  
18 the United States may not be considered a resident of this state for  
19 purposes of this title.

20 SECTION 2. Section 54.053, Education Code, is amended to  
21 read as follows:

22 Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT  
23 STATUS. (a) A person shall submit the following information to an  
24 institution of higher education to establish resident status under  
25 this subchapter:

26 (1) if the person applies for resident status under  
27 Section 54.052(a)(1):

1 (A) a statement of the dates and length of time  
2 the person has resided in this state, as relevant to establish  
3 resident status under this subchapter; and

4 (B) a statement by the person that the person's  
5 presence in this state for that period was for a purpose of  
6 establishing and maintaining a domicile; or

7 (2) if the person applies for resident status under  
8 Section 54.052(a)(2):

9 (A) a statement of the dates and length of time  
10 any parent of the person has resided in this state, as relevant to  
11 establish resident status under this subchapter; and

12 (B) a statement by the parent or, if the parent is  
13 unable or unwilling to provide the statement, a statement by the  
14 person that the parent's presence in this state for that period was  
15 for a purpose of establishing and maintaining a domicile [~~, or~~

16 ~~[(3) if the person applies for resident status under~~  
17 ~~Section 54.052(a)(3):~~

18 ~~[(A) a statement of the dates and length of time~~  
19 ~~the person has resided in this state, as relevant to establish~~  
20 ~~resident status under this subchapter; and~~

21 ~~[(B) if the person is not a citizen or permanent~~  
22 ~~resident of the United States, an affidavit stating that the person~~  
23 ~~will apply to become a permanent resident of the United States as~~  
24 ~~soon as the person becomes eligible to apply].~~

25 (b) In addition to submitting the information required  
26 under Subsection (a), to establish resident status under this  
27 subchapter, a person shall submit the documentation required by

1 Texas Higher Education Coordinating Board rule to verify that the  
2 person is lawfully authorized to be present in the United States.  
3 The coordinating board shall adopt rules prescribing the  
4 documentation required for purposes of this subsection. The rules  
5 must, to the extent practicable, treat each person in a consistent  
6 manner concerning the type of documentation required.

7 SECTION 3. Notwithstanding Subchapter B, Chapter 54,  
8 Education Code, a public institution of higher education in this  
9 state may, for any semester or academic term, before the beginning  
10 of that semester or academic term, reclassify as a nonresident a  
11 student classified as a resident of this state by the institution or  
12 another public institution of higher education in this state:

13 (1) under Section 54.052(a)(3), Education Code, as  
14 that section existed before amendment by this Act, if the student is  
15 not otherwise eligible to be classified as a resident of this state  
16 under Subchapter B, Chapter 54, Education Code; or

17 (2) before the enactment of Section 54.052(c),  
18 Education Code, as added by this Act, if the student is not lawfully  
19 authorized to be present in the United States.

20 SECTION 4. As soon as practicable after the effective date  
21 of this Act, the Texas Higher Education Coordinating Board shall  
22 adopt rules in accordance with Section 54.053(b), Education Code,  
23 as added by this Act. The coordinating board may adopt the initial  
24 rules in the manner provided by law for emergency rules.

25 SECTION 5. The changes in law made by this Act apply  
26 beginning with resident status at public institutions of higher  
27 education for the 2007 fall semester. Resident status for a

1 semester or session before the 2007 fall semester is governed by the  
2 applicable law in effect before the effective date of this Act, and  
3 that law is continued in effect for that purpose.

4 SECTION 6. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2007.